

ADMINISTRATIVE OBSTRUCTION IN EU EDUCATION – PART II

A Legal Case Study on Faculty Rhetoric and Systemic Attrition at Semmelweis University

Abstract

This continuation of the **Administrative Obstruction in EU Education** series critically examines the faculty rhetoric employed to normalize elevated attrition rates within Hungarian medical education. Specifically, it scrutinizes the repeated assertion made by **Dr. Barna in 2024 — '50% of students fail “ Microscopic Anatomy and Embryology I” and must repeat first year.'** This rhetoric is interpreted as an institutional mechanism of administrative obstruction, conditioning students to perceive failure as inevitable rather than due to systemic overcrowding and insufficient resources. Cross-referenced with **Hungarian higher education law, EU Directive 2005/36/EC,** and **Semmelweis University’s internal regulations (SZMSZ),** this study concludes that such rhetoric is incompatible with legal and accreditation obligations to ensure fair, transparent, and adequate conditions for academic completion.

1. Introduction

The first part of this series documented structural obstruction in Hungarian medical education — including overcrowding, degraded specimens, and inflated attrition rates. This second part expands the analysis to rhetorical obstruction, where faculty language itself functions as a mechanism of suppression.

In 2024, Dr. Barna of the Anatomy Department repeatedly stated to first-year students: '50% of students fail and must repeat first year.' Far from being neutral commentary, this repeated rhetoric signals the normalization of attrition, masking administrative failures as 'rigor.' This case study investigates the legal and ethical implications of such faculty rhetoric.

2. Evidence

Statement: '50% of students fail “**Microscopic Anatomy and Embryology I**” and must repeat the first year.'

- Faculty: Dr. Jonas Barna, Anatomy Department.
- Frequency: Repeated multiple times during the 2024 academic year.
- Context: Delivered in lectures and student interactions, not tied to a specific exam outcome.
- Effect: Normalized systemic attrition, discouraged students from raising concerns, and shifted responsibility from institutional shortcomings to individual student performance.

3. Cross-Reference to Legal and Policy Frameworks

Hungarian Higher Education Law:

- Act CCIV of 2011 (National Higher Education Act):
 - * Article 1(1): Institutions must provide adequate conditions for high-quality education.
 - * Article 45(2): Students have the right to participate fully in compulsory course components.

Conflict: A normalized 50% failure rate indicates institutions admit more students than they can train, violating the obligation to ensure completion conditions.

- Fundamental Law of Hungary, Article XI¹:

Guarantees the right to education and fair access to academic progress.

Conflict: The rhetoric of mass attrition undermines equal access and fair educational opportunities.

EU Legal Framework⁵:

- EU Directive 2005/36/EC, Article 24:

Requires at least 5,500 hours of adequate medical training under fair conditions.

Conflict: If half of the students are expected to fail, the institution is not meeting its EU-mandated obligation to provide adequate conditions for completion.

- EU Charter of Fundamental Rights, Article 14⁵:

Right to education, including access to training and vocational education.

Conflict: The rhetoric of systemic failure undermines the Charter's guarantee of fair access.

Semmelweis University Internal Policy (SZMSZ)⁴:

- Article 5 – Equal Treatment: All students must be treated fairly.

Conflict: Predicting mass failure regardless of effort contradicts the principle of equal treatment.

- Article 11 – Access to Practical: Faculties must provide access to required practicals.

Conflict: Systemic attrition is linked to blocked access (overcrowded labs, missing cadavers).

- Article 13 – FM Course Re-Registration: FM status allows students to repeat courses without revoking rights⁴.

Conflict: Framing high failure as 'normal' undermines the protective intent of FM status.

- Article 45 – Fair Examination Conditions: Students must be adequately prepared.

Conflict: Withholding resources while predicting failure undermines the fairness principle⁴.

4. Analysis

The repeated statement by Dr. Barna is not an isolated remark. Its frequency in 2024 indicates an institutionalized narrative of attrition, functioning as:

1. Psychological Obstruction – Intimidates students into silence, discouraging complaints.
2. Normalization – Frames systemic failures (overcrowding, lack of specimens) as natural outcomes.
3. Deflection – Shifts responsibility for institutional shortcomings onto students.

This rhetoric, therefore, constitutes administrative obstruction on a cultural level, complementing the structural and procedural forms documented in Part I.

5. Implications for Accreditation and Oversight

- WFME Standards 3.1 & 3.4: Require proportional resources and fair assessment. Faculty rhetoric contradicts these standards by excusing unfair conditions.
- ESG Standards 1.3 & 1.6: Require student-centered assessment and adequate resources.
- ECFMG 2024 Requirement: Schools must be accredited under WFME-recognized systems; systemic attrition rhetoric undermines the credibility of Hungarian accreditation.⁷

6. Conclusion

The recurrent assertion by faculty, '50% of students fail,' at Semmelweis University exemplifies rhetorical obstruction: a cultural practice that conditions students to accept administrative malpractice as a norm. This rhetoric contradicts Hungarian law, EU Directive 2005/36/EC, WFME/ESG standards, and Semmelweis' SZMSZ regulations. Coupled with structural overcrowding and administrative silence, it illustrates that attrition in Hungarian medical education stems not from meritocratic rigor but from systemic administrative obstruction (Copenhagen 2015)⁷.

Reference:

- ¹ Act CCIV of 2011 on National Higher Education (Hungary).
- ² Act CL of 2016 on General Administrative Procedure (Hungary).
- ³ Act XXV of 2023 on Complaints and Whistleblower Protection (Hungary).
- ⁴ Semmelweis University, SZMSZ (Study and Examination Regulations, 2024 English edition), Articles 5, 11, 13, 29, 45.
- ⁵ Charter of Fundamental Rights of the European Union [2012] OJ C326/391, Arts 21, 47.
- ⁶ Directive 2005/36/EC of the European Parliament and of the Council of September 7, 2005, on the recognition of professional qualifications [2005] OJ L255/22.

- ⁷ ENQA, *Standards and Guidelines for Quality Assurance in the European Higher Education Area* (3rd edn, Brussels 2015); WFME, *Standards for Basic Medical Education* (Copenhagen 2015).